REMARKS

With regard to the Examiner's response to Applicant's previous amendment, the hot folder system of Jebens et al. at column 22, lines 58-66, describes a system wherein users initiate the system by dropping of image files into a hot folder system. Thus, there must occur some initial action by the user in order to initiate the hot folder system. That is, the user must place the image in a designated folder that has been pre-setup for the transmitting of the image. The passage at column 22, lines 58-66 is directed to the work order that is prepared by the host system for use in sending requested material to a destination site. The host system is not a user in which the images are initially obtained. This portion of Jebens et al. is directed to a hot folder system as it is used in sending images to the destination. The instructions provided thereon were obtained initially from a user 12 who sent the instructions to the host system. Thus, it is clear that the instructions that are discussed herein are not on the user's computer as taught and claimed by Applicant. As set forth in column 18, line 63 through column 19, line 10, in Jebens et al. when a file is detected in a destination folder, hot folder system automatically moves the file to a processing queue. However, in order to begin the system the file must be placed into a folder, for example, by dragging and dropping the representation into a destination folder such as set forth in column 18, line 53 of Jebens et al.

The Jebens reference can be distinguished in at least two claimed features. First, it is currently set forth in the independent claims the initiation of obtaining of the instructions stored on the database is initiated by the service provider. In Jebens et al. the initiation for forwarding of the image is by the user. Secondly, as the Examiner has acknowledged, the Jebens reference does not indicate that the instructions associated with the file are stored on the user computer and for implementing the instructions with respect to the associated digital image file. This is not taught or suggested by Jebens. This is not taught or suggested by Jebens as it is directed to a totally distinct type of system where an image provider 14 designates images in the hot folder system to be stored on the host system 10. There are no instructions provided with respect to the associated digital image file as taught and claimed by Applicant. By providing instruction with respect to the specific image file associated, the user can designate the

-6-

providing of certain things in particularity with that specific image. There are a number of things that can be designated, for example, but not limited to, the sale of rights to use or reproduce that particular image, or for the purchase, use or sale of an item displayed with that image. Instructions may be created in a form that is provided on the user computer. Thus, each image may have its own specific instruction as to what is to be done. In contrast to Jebens, the image provider just simply identifies the images that are to be stored at the host site 10. The host system stores the images with predetermined settings as the Examiner has acknowledged.

The Examiner states it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jebens with instructions being associated with a digital file stored on said user computer; and implementing the instructions with respect to the associated digital file. The Examiner in supporting this argument states that this would allow the teaching of Jebens to improve the accuracy and reliability of the method for managing images over a communication network using user provided instructions, and to provide an intelligent delivery system which achieves automatic integrated flow for transferring digital assets between multiple users. The Examiner cites in column 24, lines 2-4 support of this statement. However, this part of the specification is simply directed to the attributes of the entire system. The specific passage cited is not in reference to providing specific instructions associated with specific images stored on the user computer. One of the benefits to which the present invention is directed, is that the user need not do anything other than provide instructions associated with the image. The service provider then provides the automatic initiation for obtaining of the image and instruction. Further, as previously acknowledged by the Examiner, the instructions are provided specifically with respect to the image. This provides the advantage of being able to provide specific instructions with each of the images. Jebens does not teach or suggest this. As the Examiner acknowledges, the recipient host, upon receiving the folder, automatically decompresses the file and stores it to a receiving folder. However, these are predetermined settings and there is no instructions being forwarded by the image provider. The transfer of digital assets between multiple users occurs as a result of appropriate authorizations set forth at the host system. It does not automatically occur

-7-

between the user and host when the host system initiates the retrieval. The present invention was not directed to providing accuracy or reliability in providing the claimed invention.

In order for an examiner to meet the burden of showing obviousness of the combination, the CAFC in *In re Lee* 277 Fed 3rd 1338, 61 USPQ 2nd 1430 (at page 1434) stated "only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teaching of the references". In the present case, there is no showing of objective evidence to make the modification suggested by the Examiner.

In view of the foregoing it is respectfully submitted that the claims in their present form are patentably distinct and therefore are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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-8-